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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,425	11/12/2003	Joseph J. Kubler	14364US11	8617
7590	11/12/2010		EXAMINER	
Christopher C. Winslade McAndrews, Held & Malloy Suite 3400 500 W. Madison Street Chicago, IL 60661		ZHU, BO HUI ALVIN		
		ART UNIT	PAPER NUMBER	
		2465		
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		11/12/2010	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/706,425	<b>Applicant(s)</b> KUBLER ET AL.
	<b>Examiner</b> BO HUI A. ZHU	<b>Art Unit</b> 2465

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 October 2010.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 22-104 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 22 - 72, 78 - 80, 86, 93, 95, 96, 102 is/are rejected.
- 7) Claim(s) 73 - 77, 81 - 85, 87 - 92, 94, 97 - 101, 103 and 104 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

##### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/14/2010 has been entered.

##### ***Response to Amendment***

2. The amendment filed on 10/14/2010 has been entered.

Claims 22 – 104 are now pending.

##### ***Claim Rejections - 35 USC § 103***

3. Claims 22 – 30, 34 – 44, 46 – 64, 68 - 72, 79, 80, 95, 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerson et al. (US 5,579,487) in view of Morris et al. (US 4,884,132) and further in view of Van Luyt et al. (US 4,794,465).

(1) with regard to claims 22, 37, 49 and 56:

Meyerson et al. discloses a system and method, comprising; an imaging device (Fig. 6, 160), a wireless communication interface (RF MOD, 30 on Fig. 1; column 5,

lines 58 - 61); a display device (display, 50 on Fig. 1; column 6, lines 34 – 35) for providing feedback to a user;

Meyerson et al. does not expressly disclose the imaging device for capturing an image as image data; processing circuitry for processing the image data; using the wireless communication interface for transmitting image; and a communication path used by the device to wirelessly communicate data is automatically selected from a plurality of communication paths based upon a type of data being communicated wherein a first communication path is selected when the type of data is processed image data and a second communication path is selected when the type of data is speech data.

Morris et al. teaches an image being processed and transmitted over a cellular network (column 1, lines 35 - 39); and selecting a path automatically to be used by the device to wirelessly communicate the image data (column 1, lines 35 – 68, processed image data and/or speech data are transmitted wirelessly).

It would have been desirable to transmit image data over a wireless network and selecting a path automatically to be used by the device to wirelessly communicate data because it would improve the productivity of the system by having the processed image and/or speech data available to user at a remote location. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Meyerson et al. with the teaching of Morris et al.

Van Luyt et al. teaches a first communication path is selected when the type of data is processed image data and a second communication path is selected when the type of data is speech data (column 11, lines 39 – 45; Fig. 7, 42, 47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Meyerson et al. to include the feature of a first communication path is selected when the type of data is processed image data and a second communication path is selected when the type of data is speech data as shown in Van Luyt et al. in order to deliver audio data and image data to different devices.

(2) with regard to claims 23, 39, 51 and 57:

Meyerson et al. further discloses that the imaging device is a charge coupled device (column 9, line 27).

(3) with regard to claims 24, 40, 52 and 58:

Meyerson et al. further discloses that the image is a one dimensional code or a two dimensional code (column 9, lines 28 – 29).

(4) with regard to claims 25 – 27 and 59 - 61 :

Meyerson et al. does not disclose that the image is text, handwriting or a picture.

Morris et al. teaches that the image is text, handwriting or a picture (column 1, lines 32 – 34).

It would have been desirable to have the feature of the image is text, handwriting or a picture because it would provide an image of an object which could be analyzed later. Therefore, it would have been obvious to one of ordinary skill in the art at the time

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of the invention to combine the system of Meyerson et al. with the teaching of Morris et al.

(5) with regard to claims 41, 71, 79, 95:

Meyerson et al. does not disclose identifying the type of information in the image.

Morris et al. teaches identifying the type of information in the image (column 2, lines 40 - 49).

It would have been desirable to have the feature of identifying the type of information in the image because it would allow the information in an image to be used. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Meyerson et al. with the teaching of Morris et al.

(5) with regard to claims 42, 72, 80, 96:

Meyerson et al. does not disclose the processing is able to specifically identify the image as text, handwriting, or a picture.

Morris et al. teaches the processing is able to specifically identify the image as text, handwriting, or a picture (column 2, lines 40 – 49, a picture of an object).

It would have been desirable to have the feature of the processing is able to specifically identify the image as text, handwriting, or a picture because it would allow a picture of an object to be analyzed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Meyerson et al. with the teaching of Morris et al.

(5) with regard to claims 28, 47 and 62:

Meyerson et al. discloses all of the subject matter as discussed above but fails to expressly disclose that the wireless communication interface is used for communicating speech.

Morris et al. teaches a wireless communication interface used for communicating audio signal.

it would have been desirable to use wireless communication interface for communicating speech because it would enable speech signal to be transmitted wirelessly to a remote location. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Morris et al. into the system of Meyerson et al.

(6) with regard to claims 29, 46 and 63:

Meyerson et al. further discloses that the wireless communication interface is compatible with a cellular network (column 5, lines 58 – 60).

(7) with regard to claims 30 and 64:

Meyerson et al. further discloses that the wireless communication interface uses a spread spectrum technique (column 5, lines 58 – 61).

(9) with regard to claims 34, 35, 43, 44, 53, 54, 68 and 69 :

Meyerson et al. further discloses that decoding the image from a first representation to a second representation; and the second representation is a digital representation (the image signal captured by the CCD (160) is the first representation, the processing circuitry as shown on Fig. 1 has to decode the image to digital format,

which is the second representation, in order for it to be processed by, for example the CPU 10 or the RAM unit 12; for a description of the operation of CPU 10 and RAM 12, please see column 4, line 45 - column 5, line 57).

(10) with regard to claims 36 and 70:

Meyerson et al. further discloses that a character recognition process (column 9, line 28, a bar code scanner does character recognition).

(11) with regard to claims 38 and 50:

Meyerson et al. further discloses that the capturing, the processing and the transmitting occurs within the same device (work slate unit, A on Fig. 1).

(12) with regard to claims 48 and 55:

Meyerson et al. further discloses displaying information to a user (column 6, lines 34 – 35).

4. Claims 31 – 33, 45, 65 – 67, 78, 86, 93, 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerson et al. (US 5,579,487) in view of Morris et al. (US 4,884,132) and further in view of Van Luyt et al. (US 4,794,465) and further in view of Hirosawa (US 5,257,327).

(1) with regard to claims 31 – 33, 45 and 65 - 67:

Meyerson et al. discloses all of the subject matter as discussed above but fails to expressly disclose that transmitting the image to a local area network, a packet network, or a TCP/IP network.

Hirosawa teaches data communication via a local area network (Fig. 7). It would have been desirable to transmit image over these networks because it would enable the image to be available to viewers as a remote location, and also is economical incentive since TCP/IP is a widely used technology and using it would eliminate the need for designing a brand new network protocol, make the network easier to be accessible by other networks. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use TCP/IP packet network and local area network in the system of Meyerson et al.

(2) with regard to claims 78, 86, 93,102:

Meyerson et al. does not disclose storing the one or more processed images in the handheld device.

Hirosawa teaches storing a processed image. (column 1, lines 30 – 35).

It would have been obvious to one of ordinary skill in the art to modify the system of Meyerson et al. to include the feature of storing the processed images as shown in Hirosawa in the handheld device of Meyerson et al. for the purpose of being able to use the processed images at a later time.

#### ***Allowable Subject Matter***

5. Claims 73 – 77, 81 - 85, 87 - 92, 94, 97 – 101, 103 and 104 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicants' arguments have been fully considered but they are moot in view of new ground(s) of rejections necessitated by applicants' amendments.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BO HUI A. ZHU whose telephone number is (571)-270-1086. The examiner can normally be reached on Mon-Thu 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. A. Z./  
Examiner, Art Unit 2465

/Jayanti K. Patel/  
Supervisory Patent Examiner, Art Unit 2465